

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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)  
CARLOS NIN, )  
 )  
Petitioner, )  
 ) C.A. No. 05-11042-NG  
v. )  
 )  
MICHAEL CHERTOFF, et al., )  
 )  
Respondents. )  
 )

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**RESPONDENTS' MOTION TO EXTEND TIME  
IN WHICH TO RESPOND TO PETITION**

Now comes the above-captioned Respondents,<sup>1</sup> and hereby move this Court for an extension of time **up to and including October 14, 2005**, to answer or otherwise respond to Petitioner's Petition. As reasons therefor, the undersigned counsel for Respondents asserts that such an extension will allow the Assistant U.S. Attorney the additional time to obtain relevant facts and background information of this matter from the relevant agency (Department of Homeland Security).

WHEREFORE, Respondents respectfully request that this Court allows its motion for an extension of time **up to and including**

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<sup>1</sup> This motion is not intended to be a responsive pleading. By the filing of this motion, Respondents are not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to it in the normal course of filing a responsive pleading. Respondents intend to raise those defenses when it answers or otherwise responds to the Petition.

October 14, 2005, to answer or otherwise respond to the Petition.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Michael P. Sady

By: Michael P. Sady  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
Suite 9200  
Boston, MA 02210  
(617) 748-3100

Dated: September 30, 2005

**CERTIFICATE OF SERVICE**

I certify that on September 30, 2005, I caused a copy of the foregoing Motion to be served by first class mail, postage prepaid to Petitioner's counsel of record Desmond P. Fitzgerald, Fitzgerald & Company, LLC, 18 Tremont Street, Suite 210, Boston, MA 02111.

/s/ Michael P. Sady

Michael P. Sady  
Assistant United States Attorney

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1**

Pursuant to Local Rule 7.1, the undersigned counsel certifies that on September 30, 2005, he contacted Petitioner's counsel and informed him of the relief requested by this motion.

/s/ Michael P. Sady

Michael P. Sady  
Assistant U.S. Attorney